

FORM PTO-1390 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE (MODIFIED)

ATTORNEY DOCKET NUMBER

X-11921

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5)

09/830323

INTERNATIONAL APPLICATION NO.  
**PCT/US00/15548**

INTERNATIONAL FILING  
DATE  
**June 6, 2000 (06.06.00)**

PRIORITY DATE CLAIMED  
**June 21, 1999 (06.21.99)**

TITLE OF INVENTION: SYNERGISTIC USE OF THIAZOLIDINEDIONES WITH GLUCAGON-LIKE PEPTIDE-1 AND AGONISTS THEREOF TO TREAT METABOLIC INSTABILITY ASSOCIATED WITH NON-INSULIN DEPENDENT DIABETES

APPLICANT(S) FOR DO/EO/US: Fatima Emtsel Yakubu-Madus

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A copy of the International Preliminary Examination Report (IPER), including any annexes, and, if not in English, an English language translation of the annexes to the IPER under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11. to 16. below concern document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
16. ☐ Other items or information:

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

097850323

INTERNATIONAL APPLICATION NO.

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17. ☒ The following fees are submitted:**BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)):**

Neither international preliminary examination fee (37 CFR 1.482)  
nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO  
and International Search Report not prepared by the EPO or JPO. **\$1000.00**

International preliminary examination fee (37 CFR 1.482) not paid to USPTO  
but International Search Report prepared by the EPO or JPO ..... **\$860.00**

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but  
international search fee (37 CFR 1.445(a)(2)) paid to USPTO..... **\$710.00**

International preliminary examination fee paid to USPTO (37 CFR 1.482)  
but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... **\$690.00**

International preliminary examination fee paid to USPTO (37 CFR  
1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) ..... **\$100.00**

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

\$ 860.00

Surcharge of **\$130.00** for furnishing the oath or declaration later than 20 30  
months from the earliest claimed priority date (37 CFR 1.492(e)).

\$

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	22 - 20 =	2	X \$18.00
Independent claims	4 - 3 =	1	X \$80.00

\$ 18.00

\$ 80.00

MULTIPLE DEPENDENT CLAIM(S) (if applicable)

+ \$270.00

\$

**TOTAL OF ABOVE CALCULATIONS =**

\$ 958.00

Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity  
Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).

\$

**SUBTOTAL =**

\$ 958.00

Processing fee of **\$130.00** for furnishing English translation later than 20 30  
months from the earliest claimed priority date (37 CFR 1.492(f)).

\$

**TOTAL NATIONAL FEE =**

\$

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be  
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31).

\$

**\$40.00 per**

property +

**TOTAL FEES ENCLOSED =**

\$ 958.00

Amount to be

\$

refunded

charged

\$

a. ☐ A check in the amount of \$\_\_\_\_\_ to cover the above fees is enclosed.b. ☒ Please charge my Deposit Account No. 05-0840 in the amount of \$ 958.00 to cover the above fees. A duplicate copy of this sheet is enclosed.c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 05-0840. A duplicate copy of this sheet is enclosed.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive  
(37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:

ELI LILLY AND COMPANY  
PATENT DIVISION/MJS  
LILLY CORPORATE CENTER

*Mark J. Stewart*  
SIGNATURE

Mark J. Stewart  
NAME

April 23, 2001  
Date

43,936

REGISTRATION NUMBER

(317) 276-0280

TELEPHONE NUMBER

09/830323

JC03 Re PCT/PTO 24 APR 2001

IN THE UNITED STATES RECEIVING OFFICE (USRO)

Applicants: Fatima Emitsel Yakubu-Madus, et al.

International Application No.: PCT/US00/15548

Filed: June 6, 2000 (06.06.00)

Invention: **SYNERGISTIC USE OF THIAZOLIDINEDIONES WITH GLUCAGON-LIKE PEPTIDE-1 AND AGONISTS THEREOF TO TREAT METABOLIC INSTABILITY ASSOCIATED WITH NON-INSULIN DEPENDENT DIABETES**

Lilly Reference: X-11921

Earliest Priority Date: June 21, 1999 (06.21.99)

**Certificate Under 37 C.F.R. § 1.10**

Attention: DO/EO

Box PCT

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir/Madam:

"Express Mail" mailing label number: EL559725913US

Date of Deposit: April 24, 2001

I hereby certify that the following attached paper or fee

Transmittal Letter to the United States Designated/Elected Office (US) concerning a filing under 35 U.S.C. 371 of the International Application identified above is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Guizal Ottomaz  
(Typed or printed name of person mailing paper)

Guizal Ottomaz  
(Signature of person mailing paper or fee)